

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

**ALOFT MEDIA, LLC,**

**Plaintiff,**

**v.**

**MICROSOFT CORPORATION, ET AL.,**

**Defendants.**

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**Civil Action No. 6:08-CV-51-LED**

**JURY TRIAL DEMANDED**

**STIPULATION TO DISMISS INFOR GLOBAL SOLUTIONS,  
INC., INFOR GLOBAL SOLUTIONS (ALPHARETTA), INC.,  
AND INFOR GLOBAL SOLUTIONS (GEORGIA), INC.**

Plaintiff Aloft Media LLC (“Aloft”), and Defendants Infor Global Solutions, Inc., Infor Global Solutions (Alpharetta), Inc., Infor Global Solutions (Georgia), Inc., and Infor Global Solutions (Michigan), Inc. (collectively, “the Infor Defendants”), pursuant to Fed. R. Civ. P. 29 and 41, hereby stipulate as follows:

Infor Global Solutions (Michigan), Inc. represents that Infor Global Solutions, Inc. was merged into Infor Global Solutions (Michigan), Inc., with the surviving entity being Infor Global Solutions (Michigan), Inc., as of January 31, 2007;

Infor Global Solutions (Alpharetta), Inc. and Infor Global Solutions (Georgia), Inc. represent that they do not make, use, sell, offer to sell or import for sale in the United States any of the products accused of infringement in the Third Amended Complaint or any products that are substantially similar and have not done so, and that they do not otherwise infringe, induce the infringement of, or contribute to the infringement of the patents-in-suit in the Third Amended Complaint and have not done so;

Infor Global Solutions (Michigan), Inc. represents that it does make, use, sell, offer to sell or import for sale in the United States the products accused of infringement in the Third Amended Complaint, and that it is the entity that obtains the revenues from such activity as well as the revenue from any consulting services, maintenance fees, and support services associated with the products accused of infringement in the Third Amended Complaint;

Infor Global Solutions (Michigan), Inc. represents that it will be responsible for any judgment in this case based on its own actions, the actions of Infor Global Solutions, Inc. prior to its merger into Infor Global Solutions (Michigan), Inc., and/or any other actions that are attributable to Infor Global Solutions (Michigan), Inc.

The Infor Defendants each represent that neither they nor their affiliates will file a declaratory judgment action with respect to the patents-in-suit in the Third Amended Complaint, except as a counterclaim in this action;

Infor Global Solutions (Alpharetta), Inc. and Infor Global Solutions (Georgia), Inc. agree to cooperate in responding to any discovery request served on Infor Global Solutions (Michigan), Inc. to the extent responsive discovery is in the possession of Infor Global Solutions (Alpharetta), Inc. or Infor Global Solutions (Georgia), Inc.;

Aloft agrees to dismiss without prejudice its claims against Infor Global Solutions (Alpharetta), Inc. and Infor Global Solutions (Georgia), Inc. set forth in the Third Amended Complaint, pursuant to Fed. R. Civ. P. 41.

Aloft further agrees to dismiss without prejudice Infor Global Solutions, Inc. from this action, pursuant to Fed. R. Civ. P. 41.

The Infor Defendants agree that if Aloft contends that discovery later shows that Infor Global Solutions (Alpharetta), Inc. or Infor Global Solutions (Georgia), Inc. is making, using, selling, offering for sale or importing accused products or products substantially similar to the accused products in the United States or has done so, the Infor Defendants will not challenge the jurisdiction of this Court or raise this stipulation in any opposition to a motion to add Infor Global Solutions (Alpharetta), Inc. and Infor Global Solutions (Georgia), Inc. to the complaint.

The Infor Defendants further agree that if Infor Global Solutions (Alpharetta), Inc. or Infor Global Solutions (Georgia), Inc. is subsequently added to the complaint, the time limitation on damages under 35 U.S.C. § 286 against such entity shall be calculated as six years prior to the date of filing of the Third Amended Complaint.

This Stipulation does not affect claims by and between Aloft and the defendants in this case other than the Infor Defendants.

With respect to one another, Aloft, Infor Global Solutions (Alpharetta), Inc., and Infor Global Solutions (Georgia), Inc. shall each bear their own costs and attorneys' fees.

/s/ Craig Tadlock

Eric M. Albritton  
Texas Bar No. 00790215  
Craig Tadlock  
Texas Bar No. 00791766  
Adam A. Biggs  
Texas Bar No. 24051753  
ALBRITTON LAW FIRM  
P.O. Box 2649  
Longview, Texas 75606  
Telephone: (903) 757-8449  
Facsimile: (903) 758-7397  
ema@emafirm.com  
cct@emafirm.com  
aab@emafirm.com

Thomas John Ward, Jr.  
Texas Bar No. 00794818  
WARD & SMITH LAW FIRM  
P O Box 1231  
Longview, TX 75606-1231  
Telephone: (903) 757-6400  
Facsimile: (903) 757-2323  
jw@jwfirm.com

Scott Stevens  
State Bar No. 00792024  
Kyle J. Nelson  
State Bar No. 24056031  
STEVENS LAW FIRM  
P.O. Box 807  
Longview, Texas 75606  
Tel: 903-753-6760  
Fax: 903-753-6761  
scott@seslawfirm.com  
kyle@seslawfirm.com

Danny L. Williams  
Texas Bar No. 21518050  
Chris Cravey  
Texas Bar No. 24034398  
Matthew R. Rodgers  
Texas Bar No. 24041804  
WILLIAMS, MORGAN &  
AMERSON, P.C.  
10333 Richmond, Suite 1100  
Houston, Texas 77042  
Telephone: (713)934-4060  
Facsimile: (713) 934-7011  
danny@wmalaw.com  
ccravey@wmalaw.com  
mrodgers@wmalaw.com

***ATTORNEYS FOR PLAINTIFF  
ALOFT MEDIA, LLC***

/s/ Joel L. Dion

Alfred W. Zaher

zaher@blankrome.com

Joel L. Dion

dion-j@blankrome.com

Bruce D. George

george@blankrome.com

Nakul Krishnakumar

krishnakumar@blankrome.com

BLANK ROME LLP

One Logan Square

Philadelphia, PA 19103

(215) 569-5500

Fax: (215) 832-5788

***ATTORNEYS FOR THE  
INFOR DEFENDANTS***